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AKERMAN, SENTERFITT& EIDSON, P.A.
Esperante Building, Suite 400
222 Lakeview Avenue
Post Office Box 3188
West Palm Beach, FL 33402-3188

EXAMINER	
WASYLCHAK, STEVEN R	
ART UNIT	**PAPER NUMBER**
3624	

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/718,997	GOTFRIED, B.	
	Examiner	Art Unit	
	Steven R. Wasylchak	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 November 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-56* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-56* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2,3*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mini et. al. (US 6,684,196).

Claims:

1. A method for brokering real estate transactions wherein a broker allows a user to sell a first property and purchase a second property via a computer communications network, comprising the steps of:

(a) the broker accepting at least one first property sale offering;/ col 5, L 10-35; col 6, L 41-58

(b) the broker providing at least one second property purchase offering;/ col 5, L 10-35 (multiple listings)

(c) the broker allowing the user to accept a selection of at least one second property selected from the at least one second property purchase offering;/ col 6, L 41-58

(d) Mini et al does not explicitly disclose the broker transferring the sale proceeds from

the sale transaction of the first property to the user, for use in purchasing the at least one second property selected in said

accepting step (c).

Official notice is taken that this feature of sale followed by purchase with rollover of proceeds from first sale into second purchase is old and well known in the real estate art.

The use of bridge loans in sell and then use proceeds to buy (use of a bridge loan if proceeds do not cover purchase price of new property). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature of sale followed by purchase with rollover of proceeds from first sale into second purchase for the advantage of a tax deferred sec 1031 Stark exchange.

(e) executing a purchase transaction of the at least one second property selected in said accepting step (c), using the sale proceeds from the sale transaction of the at least one first property as payment towards the purchase of the at least one second property./refer to (d) above

2. The method according to step 1, wherein the first property offering step (a) further comprises executing a sale transaction of the first property offering, wherein the broker purchases the first property offering from the user./ col 6, L 41-58 (buyer can have a broker as his agent or buyer himself can act as his own agent)

3. Mini does not disclose wherein said purchase execution step (e)further comprises the use of electronic encryption. Official notice is taken that this feature of encryption is well known in the computer art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature of encryption for security reasons to keep bids confidential.

4. The method according to claim 3, wherein the electronic encryption utilizes the Secure Sockets Layer encryption standard./refer to claim 3

5. The method according to claim 2, wherein the first property offering step (a) further comprises the use of electronic encryption./refer to claim 3

6. The method according to claim 5, wherein the electronic encryption utilizes the Secure Sockets Layer encryption standard./ refer to claim 3

7. The method according to claim 1, wherein said first property offering step (a) further comprises querying the user for information regarding the property offering./fig 10(1012)

8. The method according to claim 7, wherein said querying step further comprises requesting information from the user regarding search criteria to be used to identify the at least one second property./ fig 3 (336, 338)

9. The method according to claim 8, wherein the search criteria relating to the at least one second property includes at least one of location, price, interior area, exterior area, number of bedrooms, number of bathrooms, liens and other encumbrances, date of construction, and the distance between the second property and at least one of

schools, medical and rescue services, religious organizations, restaurants, shopping areas, and mass transit services./fig 3 (320)

10. Mini does not disclose wherein said purchase execution step (e)further comprises the use of digital signature technology for transaction consummation. Official notice is taken that this feature of digital signatures is old and well known in the computer art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature of digital signatures for security encryption reasons over the internet.

11. The method according to claim 2, wherein said first property offering step (a) further comprises the use of digital signature technology for transaction consummation. /refer to claim 10

12. The method according to claim 7, wherein said querying step further comprises ascertaining from the user whether the user has a digital signature./ refer to claim 10

13. The method of claim 12, further comprising the step of registering the digital signature of the user./ refer to claim 10

14. The method according to claim 1, wherein said first property offering step (a) further comprises processing by a network server./fig 1, 23

15. The method according to claim 14, wherein the network server processing further comprises the step of receiving information from the user regarding the first property./ fig 2 (218)

16. The method according to claim 14, wherein the network server processing

further comprises the step of formulating queries for use with at least one public record database./fig 21(2114)

17. The method according to claim 16, wherein said public record database queries are formulated to ascertain information regarding at least one of title status and taxable value of the first real property./fig 21 (2114); col 10, L 33-47

18. The method according to claim 14, wherein said network server processing further comprises the step of executing the public record database queries via a computer communications network./ col 10, L 33-47

19. The method according to claim 14, wherein said network server processing further comprises the step of obtaining results from the public record database queries via a computer communications network./ col 10, L 33-47

20. The method according to claim 14, wherein said network server processing further comprises the step of compiling the results of the public record database queries into a results report./ fig 11(1112, 1114)

21. The method according to claim 14, wherein said network server processing Step further comprises transmitting the results report to the user.

22. The method according to claim 21, wherein said transmitting step occurs via a computer communications network./fig 1

23. The method according to claim 2, further comprising the step of allowing the user to confirm the sale transaction step prior to execution./fig 2 (222)

24. The method according to claim 23, wherein said confirming step further comprises providing the user with a proposed purchase price for the at least one first property./fig 3(316)

25. The method according to claim 24, wherein the proposed purchase price is the taxable value of the at least one first property./col 10, L 33-47 (MLS gives tax assessment)

26. Mini does not explicitly disclose the proposed purchase price is the taxable value of the first property multiplied by a pricing factor. Official notice is taken that this feature of multiplying by a pricing factor is old and well known in the real estate art in the form of the calculation of tax assessments. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this tax calculation feature for the advantage of uniform tax assessment by using known and verifiable sales price as pricing factor.

27. The method according to claim 24, wherein said confirming step further comprises allowing the user to accept or reject the proposed purchase price./fig 3(326,328)

28. The method according to claim 1, wherein the sale proceeds are transferred into an escrow account./fig 21(2110, 2114, 2116, 2120)

29. A machine readable storage, having stored thereon a computer program having property and purchase a second property via a computer communications network, comprising the steps of:

(a) accepting at least one first property sale offering;

(b) providing at least one second property purchase offering;

(c) accepting a selection of at least one second property selected from the at least one second property purchase offering;

(d) transferring the sale proceeds from the sale transaction of the first property for use in purchasing the at least one second property selected in said accepting step (c); and

(e) executing a purchase transaction of the at least one second property selected in said accepting step (c), using the sale proceeds from the sale transaction of the at least one first property as payment towards the purchase of the at least one second property. / refer to cl 1

30. The machine readable storage according to claim 29, wherein the first property offering step (a) further comprises executing a sale transaction of the first property offering, wherein the broker purchases the first property offering from the user./refer to cl 2

31. The machine readable storage according to claim 29, wherein said purchase execution step (e) further comprises the use of electronic encryption./refer to cl 3

32. The machine readable storage according to claim 31, wherein the electronic encryption utilizes the Secure Sockets Layer encryption standard. /refer to cl 4

33. The machine readable storage according to claim 30, wherein the first property offering step (a) further comprises the use of electronic encryption./ refer to cl 5

34. The machine readable storage according to claim 33, wherein the electronic encryption utilizes the Secure Sockets Layer encryption standard./ refer to cl 6

35. The machine readable storage according to claim 29, wherein said first property offering step (a) further comprises querying the user for information regarding theproperty offering./ refer to cl 7

36. The machine readable storage according to claim 35, wherein said querying step further comprises requesting information from the user regarding search criteria to be used to identify the at least one second property./ refer to cl 8

37. The machine readable storage according to claim 36, wherein the search criteria relating to the at least one second property includes at least one of location, price, interior area, exterior area, number of bedrooms, number of bathrooms, liens and other encumbrances, date of construction, and the distance between the second property and at least one of schools, medical and rescue services, religious organizations, restaurants, shopping areas, and mass transit services./ refer to cl 9

38. The machine readable storage according to claim 29, wherein said purchase execution step (e) further comprises the use of digital signature technology for transaction consummation./ refer to cl 10

39. The machine readable storage according to claim 30, wherein said first property offering step (a) further comprises the use of digital signature technology for transaction consummation. / refer to cl 11

40. The machine readable storage according to claim 35, wherein said querying step further comprises ascertaining from the user whether the user has a digital signature. / refer to cl 12

41. The machine readable storage according to claim 40, further comprising the step

of registering the digital signature of the user. / refer to cl 13

42. The machine readable storage according to claim 29, wherein said first property offering step (a) further comprises processing by a network server. / refer to cl 14

43. The machine readable storage according to claim 42, wherein the network serverprocessing further comprises the step of receiving information from the user regarding a the first property. / refer to cl 15

44. The machine readable storage according to claim 42, wherein the network serverprocessing further comprises the step of formulating queries for use with at least one public record database. / refer to cl 16

45. The machine readable storage according to claim 44, wherein said public record database queries are formulated to ascertain information regarding at least one title status and taxable value of the first real property. / refer to cl 17

46. The machine readable storage according to claim 42, wherein said network server processing further comprises the step of executing the public record database aqueries via a computer communications network. / refer to cl 18

47. The machine readable storage according to claim 42, wherein said network server processing further comprises the step of obtaining results from the public record database queries via a computer communications network. / refer to cl 19

48. The machine readable storage according to claim 42, wherein said network server processing further comprises the step of compiling the results of the public record database queries into a results report./ / refer to cl 20

49. The machine readable storage according to claim 42, wherein said network

server processing step further comprises transmitting the results report to the user. / refer to cl 21

50. The machine readable storage according to claim 49, wherein said transmitting step occurs via a computer communications network./ refer to cl 22

51. The machine readable storage according to claim 30, further comprising the step of allowing the user to confirm the sale transaction step prior to execution. / refer to cl 23

52. The machine readable storage according to claim 51, wherein said confirming step further comprises providing the user with a proposed purchase price for the atleast one first property. / refer to cl 24

53. The machine readable storage according to claim 52, wherein the proposed purchase price is the taxable value of the at least one first property. / refer to cl 25

54. The machine readable storage according to claim 49, wherein the proposed purchase price is the taxable value of the first property multiplied by a pricing factor./ refer to cl 26

55. The machine readable storage according to claim 52, wherein said confirming step further comprises allowing the user to accept or reject the proposed purchase price. / refer to cl 27

56. The machine readable storage according to claim 29, wherein the sale proceeds are transferred into an escrow account. / refer to cl 28

This action is NON-FINAL. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Thursday from 8:00 to 6:00 p.m. EST.

If attempts to reach examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for At Unit 3624 is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Steven Wasylchak

June 13, 2004

HANI M. KAZIMI
PRIMARY EXAMINER